

Subcommittee on Class IV Vessels

Legislative Amendments for Enhancing the Provision of Lifejackets on Local Vessels

Purpose

This paper seeks members' comments on the proposed legislative amendments for enhancing the provision of lifejackets on local vessels, and an associated subsidy scheme.

Background

2. Lifejacket provision requirements for various classes of local vessels are currently set out in the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G). Generally speaking, local vessels are required to provide a lifejacket for every adult on board. At present, Class I, Class II and Class IV vessels which are let for hire or reward are in general required by law to carry children lifejackets for 5% of the total number of persons on board. Under current legislation, local vessels are not required to carry infant lifejackets.

3. According to maritime experts' recommendations, all classes of local vessels should be required to provide every child on board with a lifejacket, and consideration should be given to the provision of infant lifejackets. The Marine Department ("MD") consulted the trade on the recommendations in 2013. While the trade at that time recognised the public's concern about maritime safety, it was pointed out that there were practical difficulties in providing a children lifejacket for every child passenger on board, e.g., difficulties in forecasting and ascertaining the number of child passengers on board before each journey, insufficient space on board for stowing more children lifejackets, and the risk of an adult mistakenly putting on a children lifejacket and vice versa.

4. To actively respond to the concerns of the trade and to ensure the practicability of new lifejacket provision requirements, the MD in 2015 commissioned a subsidiary consultancy company of the Hong Kong Polytechnic University ("PolyU")

to explore the feasibility of developing a type of lifejacket which was suitable for both adults and children, and it was found that this type of lifejacket was technically feasible. The PolyU subsequently applied for protection of the intellectual property rights concerned in late 2017 and actively negotiated with a relevant manufacturer. It has already entered into a co-operation agreement with the manufacturer and the production of the lifejacket will soon commence. To allow the trade to get prepared for the maritime safety enhancement measures to be launched by the Government, the MD met with trade representatives to introduce the lifejacket to them in September this year. The manufacturer was also present to explain the production details of the lifejacket.

Legislative Amendment Proposal

5. After careful technical assessment and extensive consultation with the trade, the MD proposes to amend legislation to strengthen the provision of lifejackets of local vessels. Details are as follows:

- (a) Local vessels should provide every person (regardless whether he/she is a child or an adult) on board with a suitable lifejacket, the total number of which not less than the maximum number of persons to be carried (i.e. including crew members) as specified in the operating licence.; and
- (b) Local commercial vessels carrying more than 12 passengers (i.e. Class I vessels and some Class IV vessels which are let for hire or reward) should provide infant lifejackets in a number not less than 2.5% of the maximum number of passengers to be carried (excluding crew members) as specified in the operating licence.

Subsidy Scheme for Purchase and Replacement of Lifejackets

8. As mentioned above, the MD met with trade representatives in September this year to introduce a lifejacket developed by the PolyU which is suitable for both adults and children. The trade representatives expressed appreciation to the development of the lifejacket at the meeting. Based on the information obtained by the MD from the manufacturer, subject to the total order quantity, the price of the lifejacket will range from about \$135 to \$180 per piece. In addition, to the MD's knowledge, the price of

infant lifejackets currently on the market ranges from about \$160 to \$200 per piece.

9. To comply with the new requirements for enhancing the provision of lifejackets, the trade is actively preparing to purchase the above-mentioned lifejacket which is suitable for both adults and children. Individual stakeholders will also purchase extra children lifejackets to meet the new requirements. Trade representatives have repeatedly expressed to the MD that the purchase of lifejackets without subsidy will pose a heavy financial burden on the trade and may affect its operation. In response to the trade's strong appeal in this regard and to encourage the trade to purchase lifejackets as soon as possible for meeting the new requirements, the MD is now negotiating closely with the trade on the proposal to provide subsidy on an accountable basis. Details will be announced in due course.

Supplementary Information on Proposed Legislation for Safety Measures during Major Events at Sea

10. The MD consulted the Local Vessels Advisory Committee ("LVAC") on 30 December 2016 and obtained its endorsement of the proposed legislation for safety measures during major events at sea (please refer to LVAC Paper No. 19/2016 for details). The MD now plans to submit to the Legislative Council Panel on Economic Development the legislative proposals and the aforementioned proposal for enhancing the provision of lifejackets for consultation.

11. It was mentioned in LVAC Paper No. 19/2016 that the coxswain of an applicable vessel was required to distribute suitable lifejackets to the adults accompanying the children¹. In addition, it was also proposed in the paper to require that a suitable lifejacket should be provided for every child on board an applicable local vessel, where a suitable lifejacket means a lifejacket suitable for a child in terms of his physical attributes. For the avoidance of doubt, it is required under the legislative proposals that during the implementation of safety measures for major events at sea, a suitable lifejacket should be provided for every person aged below 12 on board an applicable vessel (i.e. any local vessel which is licensed to carry any passenger and which enters into or is present in an area of waters within a certain period of time to be specified in a Marine Department Notice issued by the Director of Marine), including every person aged below 12 whose physical attributes are suitable for wearing an infant lifejacket. In other words, subject to the actual patronage of an applicable vessel, if the expected number of persons suitable for wearing infant

¹ Under the legislative proposals, "children" refers to all persons aged below 12.

lifejackets **exceeds** 2.5% of the maximum number of passengers to be carried, the number of infant lifejackets required to be provided on board an applicable vessel during the implementation of safety measures for major events at sea may be more than that mentioned in paragraph 5(b) above.

Advice Sought

12. Members are invited to comment on the proposed legislative amendments and the subsidy scheme for purchase and replacement of lifejackets (“the subsidy scheme”) mentioned above.

Way Forward

13. Subject to the comments of the Subcommittee, the MD will submit the proposed legislative amendments and the subsidy scheme to the LVAC for discussion and to seek its support.

Marine Department
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